

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

0300

09803173

Loc 0300 PCT
JC17 Rec'd PCT/PTO 09 APR 2001

Express Mail No.: EL 612 597 220 US

#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1033 U.S. PTO
09/803173
03/09/01

In re Application of:

Cheng, Chong Seng

Examiner: To be assigned

Serial No.: To be assigned

Art Unit: To be assigned

Filing Date: March 9, 2001
(even date herewith)

White & Case Attorney
Docket No.: 1601457-0004

For: A Portable Data Storage Device Capable
Of Being Directly Connected Via USB
Plug To A Computer (as amended)

03/29/2001 BABRAHA1 00000002 09803173

01 FC:122

130.00 OP

A Continuation Application of:

Trek Technology (Singapore) Pte Ltd

Inventor: Cheng, Chong Seng

International Application No.: PCT/SG00/00029

International Filing Date: February 21, 2000

For: A Portable Data Storage Device

PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT
UNDER 37 CFR §1.102 AND MPEP §708.02

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
APR 16 2001
OIPE/JCWS

Dear Sir:

1. PETITION: Applicant hereby petitions that the above-captioned application, filed concurrently herewith, be made special because of actual infringement. This application has not yet received any examination.

2. CLAIMS

A portable data storage device covered by one or more of the pending claims in the above-captioned application is currently being manufactured and marketed by M-Systems, Inc. of Kfar Saba, Israel under the tradename "DiskOnKey". M-Systems, Inc. maintains a place of business at Newark, California and is one of Trek Technology's competitors. As evidenced by Exhibit A, the DiskOnKey product is at least being offered for sale in the United States.

Another portable data storage device covered by one or more of the pending claims in the above-captioned application is also currently being manufactured and marketed by ei Corporation, a subsidiary of Agate Technologies, Inc. of Milpitas, California under the tradename "Q drive" and is one of Trek Technology's competitors. As evidenced by Exhibit B, the Q drive is at least being offered for sale in the United States.

Accompanying this petition is evidence of infringement alleged herein:

(a) Exhibit A is a printed copy of the marketing and product information posted on M-Systems' company web site showing the features of a portable data storage device that infringes one or more of the pending claims. This exhibit has been printed from M-Systems' company web site at <http://www.m-sys.com> on February 6, 2001.

(b) Exhibit B is a printed copy of the marketing and product information posted on Agate Technologies' company web site showing the features of a portable data storage device that infringes one or more of the pending claims. This exhibit has been printed from Agate Technologies' company web site at <http://www.agatetech.com> on February 6, 2001.

(c) Exhibit C is a Statement of Facts in Support of Petition to Make Special Because of Actual Infringement by Cheng Chong Seng, the inventor of the invention claimed in the above-captioned application, confirming that the invention is infringed and indicating the date of discovery of the infringement.

(d) Exhibit D is a Statement by Attorney in Support of Petition to Make Special Because of Actual Infringement by Warren S. Heit, the undersigned attorney, confirming that at least some of the pending claims are unquestionably infringed by the M-Systems product and/or Agate product shown and described in Exhibits A and B, respectively.

3. SEARCH

The undersigned attorney has caused to be made a search of the pertinent prior art on or about November 28, 2000. Twelve (12) references that may be material to the patentability of the pending claims have been identified as a result of the search. All such references are provided to the Examiner as being filed in a respective Information Disclosure Statement.

4. COPIES OF REFERENCES

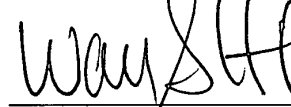
As stated above, the twelve (12) references identified in the prior art search are provided to the Examiner as being filed in a respective Information Disclosure Statement.

5. FEES

A check in the amount of the \$130.00 petition fee set forth in 37 CFR §1.17(i) is enclosed. Please charge any additional fees or apply any credits to our PTO deposit account number: 23-1703.

Dated: March 9, 2001

Respectfully submitted,
WHITE & CASE LLP



Warren S. Heit Reg. No. 36,828 —
WHITE & CASE LLP
1155 Avenue of the Americas
New York, New York 10036
(650) 213-0321

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Cheng, Chong Seng)	Examiner: To be determined
)	
Serial No.: To be determined)	Art Unit: To be determined
)	
Filing Date: March 9, 2001)	White & Case Attorney
(even date herewith))	Docket No.: 1601457-0004
)	
For: A Portable Data Storage Device Capable)	
Of Being Directly Connected Via USB)	
Plug To A Computer (as amended))	
)	
A Continuation Application of:)	
)	
Trek Technology (Singapore) Pte Ltd)	
)	
Inventor: Cheng, Chong Seng)	
)	
International Application No.: PCT/SG00/00029)	
)	
International Filing Date: February 21, 2000)	
)	
For: A Portable Data Storage Device)	
)	

STATEMENT OF FACTS IN SUPPORT OF
PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
UNDER 37 CFR §1.102 AND MPEP §708.02

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Cheng Chong Seng, having my office at Trek Technology (Singapore) Pte Ltd, 30
Loyang Way #07-13/14/15, Loyang Industrial Estate, Singapore 508769, am the inventor of

Exhibit C

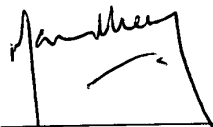
invention claimed in the above-captioned application, filed concurrently herewith, and I hereby state the following:

1. There is an actual infringement of this invention.
2. The Q drive product that I allege infringes this invention was first discovered on or about October 13, 2000, when I was notified by a distributor about the availability of the Q drive product on the market. I visited the company web site of Agate Technologies, Inc. on or about October 13, 2000 to verify that the Q drive product was being marketed by Agate Technologies, through its subsidiary ei Corporation, in the United States.
3. The DiskOnKey product that I allege infringes this invention was first discovered on or about November 8, 2000, when I was notified by a distributor about the availability of the DiskOnKey product on the market. I visited the company web site of M-Systems, Inc. on or about November 8, 2000 to verify that the DiskOnKey product was being marketed by M-Systems in the United States.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: February 12, 2001



Cheng Chong Seng

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Cheng, Chong Seng)	Examiner: To be assigned
)	
Serial No.: To be assigned)	Art Unit: To be assigned
)	
Filing Date: March 9, 2001)	White & Case Attorney
(even date herewith))	Docket No.: 1601457-0004
)	
For: A Portable Data Storage Device Capable)	
Of Being Directly Connected Via USB)	
<u>Plug To A Computer (as amended)</u>)	
)	
A Continuation Application of:)	
)	
Trek Technology (Singapore) Pte Ltd)	
)	
Inventor: Cheng, Chong Seng)	
)	
International Application No.: PCT/SG00/00029)	
)	
International Filing Date: February 21, 2000)	
)	
For: A Portable Data Storage Device)	
<u></u>)	

STATEMENT IN SUPPORT OF
PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
UNDER 37 CFR §1.102 AND MPEP §708.02

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Warren S. Heit, having my office at White & Case LLP, 3000 El Camino Real, 5 Palo Alto Square, 10th Floor, Palo Alto, California 94306, am the attorney of record in the above-captioned application, filed concurrently herewith, and I hereby state the following:

Exhibit D

1. I have made a rigid comparison of the alleged infringing product referred to in the accompanying Statement of Facts in Support of Petition to Make Special Because of Actual Infringement with the claims of this application.

2. In my opinion, at least claim 9 on file in this application is unquestionably infringed, as illustrated in the following claim chart.

Claim 9	Features of M-Systems' DiskOnKey product	Features of ei Corporation's Q drive product
A portable data storage device comprising:		
a USB plug adapted to the device to facilitate direct coupling of the USB plug to a USB socket on a computer without wire interconnection;	The DiskOnKey product is a removable storage device having a USB interface for coupling to a USB port without a wire. (Exhibit A, p. 1; note figure)	The Q drive is a USB storage device that plugs into a USB port without a wire or cable. (Exhibit B, p. 1; note figure; see also p. 3)
a memory device including non-volatile solid-state memory; and	The DiskOnKey product includes non-volatile flash memory. (Based on information and belief)	The Q drive uses non-volatile flash memory. (Exhibit B, p. 1)
a memory control device coupled to the memory device for controlling data flow between the memory device and the USB plug.	The DiskOnKey product has its own CPU. (Exhibit A, p. 1)	The Q drive requires a memory control device for controlling data flow. (Based on information and belief)

3. I have caused to be made a search of the pertinent prior art. All such material art is provided to the Examiner as being filed in a respective Information Disclosure Statement.

4. I believe all the claims in this application as on file resulting from the concurrently filed preliminary amendment are allowable.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: March 9, 2001

Respectfully submitted,

WHITE & CASE LLP



Warren S. Heit

Reg. No. 36,828

WHITE & CASE LLP

1155 Avenue of the Americas

New York, New York 10036

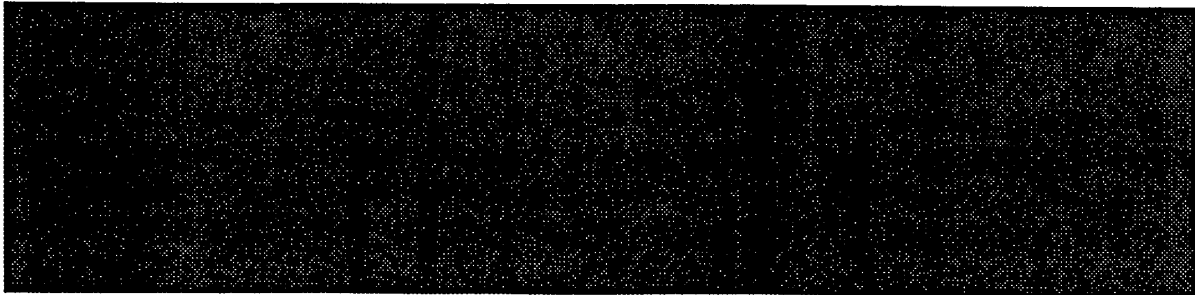
(650) 213-0321

-
- A black and white photograph of a pencil and a marker. The pencil is positioned horizontally, pointing towards the left. The marker is positioned diagonally above the pencil, pointing towards the top right. The background is dark and textured.

The DiskOnKey utilizes a standard Universal Serial Bus (USB) port for complete and instantaneous plug-n-play interoperability on the latest Windows[®], Mac[®] OS and Linux[®] operating systems - without requiring users to load software drivers⁽¹⁾. When plugged into an USB port, the DiskOnKey operates as a secure, reliable, removable hard drive.

The DiskOnKey lends itself to a wide variety of innovative uses. The product is an active device with its own central processing unit (CPU) and is capable of supporting and running multiple applications directly from the product. When using the DiskOnKey you can save documents, presentations, cross the boundaries between a PC & Macintosh, and save downloaded music, videos or books. Because it connects with host computers through a USB port, the DiskOnKey product is easily utilized; just plug it in! The host computer will immediately detect it and recognize it as a supplementary hard drive.

DiskOnKey host interface
Universal Serial Bus (USB)



Power supply

USB Bus-powered
No external power required

Power Consumption

Standby: 30 μ A (typical), 500 μ A (Max)
Read/Write: 80 mA (typical), 95 mA (Max)

Performance (read/write)

Up to 12 MBits/sec

Supported Operating Systems

Windows 98⁽¹⁾, Windows 2000, Windows Me, MacOS 8.6, Linux 2.4.0

Capacity

8 MB, 16 MB and 32 MB

LED Indication

LED beeping slowly:
DiskOnKey connected and inactive
LED in fast flashing mode:
Transmitting/receiving data

Operating Temperature

0 °C to +45 °C

Storage Temperature

-20 °C to +60 °C

Environmental Conditions

Relative humidity during operation (Non-condensation): 10% to 90%
Relative humidity during storage: 5% to 90%
Maximum wet bulb temperature: +38.7 °C (101.6 °F)

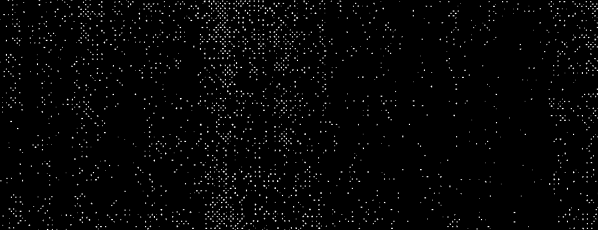
Dimensions

Length: 82 mm
Width: 15 mm
Height: 23 mm

Vibration

Operating: 0.5 G, 10 to 500 Hz, 0.5 Oct/Min sweep rate
Non-operating: 1.0 G, 10 to 500 Hz, 0.5 Oct/Min sweep rate

Shock



Maximum Altitude
Operating: 3,048 m (0 to 10,000 ft.) (14.7 to 10.1 PSIA)
Non-operating: 9,144 m (0 to 30,000 ft.) (14.7 to 4.4 PSIA)

Click here to get your DiskOnKey !

Home | Corporate Information | News & Events | Technical Support | Contact | Employment
DiskOnChip Products | FFD Products | IDE Products | PC Cards Products
Legal Online Terms of Use
info@m-sys.com | webmaster@m-sys.com

M-Systems <small>Flash Disk Pioneers</small>		HOME COMP INFORMATION NEWS & EVENTS TECH SUPPORT CONTACT CAREERS SITE MAP ORDER ONLINE
DiskOnKey	DiskOnChip Products	IDE 2000 Products
PC Card Products		

日本語 简体 繁體

Products

Applications

Partners

Send us a Question or Comment

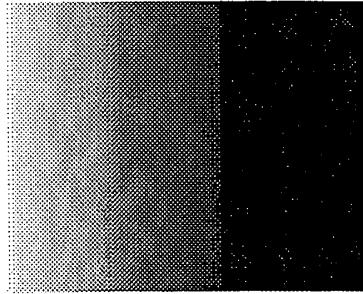
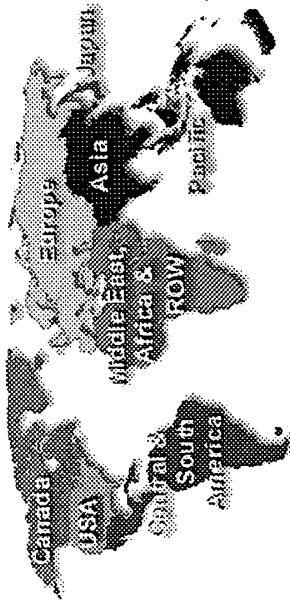
Contact Information

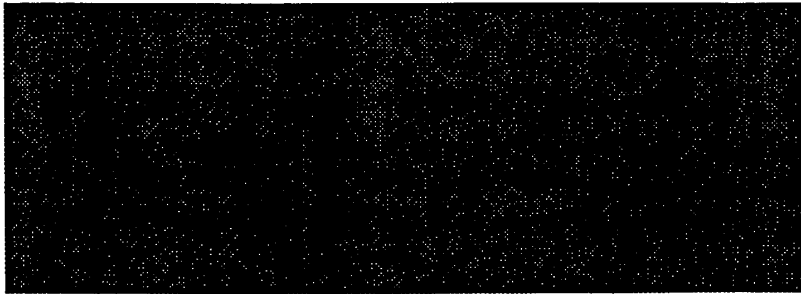
Offices

USA
 8371 Central Ave.,
 Suite A
 Newark, CA 94560
 Tel: 510-494-2090
 Fax: 510-494-5545
 info@m-sys.com

Japan NEW !
 Arakyu Bldg., 5F
 2-19-2 Nishi-Gotanda
 Shinagawa-ku,
 Tokyo, 141-0031
 Tel: +81-3-5437-5739
 Fax: +81-3-5437-5759

Representatives and Distributors
 Click on the map, or select from the list :






Taiwan NEW!
Room B, 13th floor, No. 133
Min Sheng East Road
Taipei, Taiwan
R.O.C.
Tel: +886-2-8770-6226
Fax: +886-2-8770-6295
asia@m-sys.com

Europe
Tel: 972-9-764-4992
Fax: 972-3-548-8666
Europe@m-sys.com

Rest of the World and Israel NEW!
Central Park 2000
7 Atir Yeda St.
Kfar Saba 4425, Israel
Tel: 972-9-764-5000
Fax: 972-3-548-8666

- Canada
- USA
- Central & South America
- Asia-Pacific
- Japan
- Europe
- Middle East, Africa & Rest of the World

Home | Corporate Information | News & Events | Technical Support | Contact | Employment
DiskOnChip Products | FFD Products | IDE Products | PC Cards Products
Legal Online Terms of Use
info@m-sys.com | webmaster@m-sys.com




agate
technologies, inc.

USE HARD DRIVES


hot technologies
cool solutions

an agat 

[HOME](#) [ABOUT US](#) [PRODUCTS](#) [NEWS](#) [PARTNERS](#) [SUPPORT](#)



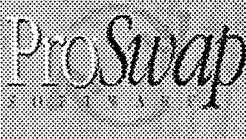
USB
HARD
DRIVES



Hot
Shuttle

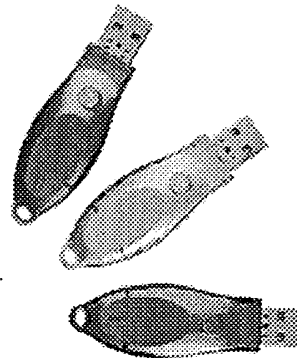
DATA
DISASTER

RECOVERY SYSTEMS
FOR NOTEBOOKS &
DESKTOPS



ProSwap

Q. - USB Hard Drives



"Q. Surpasses any other USB Storage device we have ever encountered! One word... **AWESOME!!!**"

- Brandon Hymas
Real Business Solutions



Q. - USB Hard Drives

Accessing and Transporting Data Has Never Been Easier!

Q is a USB storage device that makes transporting your data incredibly easy. Just plug Q into any USB port and it will show up as another hard drive. Now you can move, store, or delete data effortlessly. This ingenious storage device is so versatile you can run applications, view videos, or play MP3 files directly from it. Q comes in various storage capacities of 16, 32, and 64mb. Q uses non-volatile flash memory so you can safely store and transport your valuable data. The 16mb USB Q "hard drive" stores

**BUY ONLINE NOW OR
CALL 1-800-98-AGATE**

ONLINE SHOPPING

Q. - USB Hard Drives

Size: 16mb
Color: Silver
ID#: EIWQD016
\$69.95
BUY NOW

Size: 32mb
Color: Purple
ID#: EIWQD032
\$129.95
BUY NOW

Size: 64mb
Color: Graphite
ID#: EIWQD064
\$199.95
BUY NOW

up to 10 times
more information
than the standard
3.5" floppy disk.

Product Features

- Access Data
Everywhere
- Hassle-free.
No power
supply or
cables.
- Lightweight
and Compact
- Durable
Solid-state
Storage
- Plug-and-play
via Any USB
Port. It's that
easy!
- 16mb - 32mb
- 64mb
modules

Other Related Products

- Disaster
Recovery
Systems -
Lightning
Fast Back-up
and Quick
Recovery for
notebooks
and desktops.
- Hot Data
Shuttle -
Swap Out
Your PC
Devices
Without
Powering
Down!
- ProSwap
Software -
Swap
notebook
devices
without
re-booting.

Agaté Technologies - 591 Montague Expressway - Milpitas, CA 95035 - 1-800-98-AGATE

Press Release

Shirley Ooi
Agate Technologies Inc
(408) 956-7950
sooi@agatetech.com

ei Corporation -- an Agate Company Announces "Q"

MILPITAS, Calif., Sep 26, 2000 -- ei Corporation, an Agate company AGTE introduced today, a new and improved USB digital storage device. Designed with an attachable ring, Q meets the needs of today's mobile users. With Q your data is both mobile and wearable. Approximately the size of a key, Q drive has an extended OS compatibility with Windows 98/SE/ME and will, in the near future, function with MacOS and Linux Solaris.

ei Corporation is working towards adding various other applications and enhanced features on the Q drive, such as software application downloads to access your data connecting to other computers in one compact "hard drive." Q has various storage sizes ranging from 16MB to 128MB -- up to 10 times (at 16MB) the storage capacity of a standard 3.5" floppy disk.

By plugging into the USB port, Q will show up on your desktop screen, ready for use as a removable drive, with no cables or extra storage disks required. Additionally, Q functions on virtually any application, and because Q is a flash memory storage device, it is less sensitive to shock or damage than a hard drive.

"With USB as the de-facto connector on all modern PCs," said Mr. Yong Thye Lin, Chief Executive Officer for ei. "Introducing a USB-enabled storage device, Q will open future storage capability to new heights in accessing data virtually anywhere."

ei Corporation, an Agate company, is expected to release Q drive for retail by late October 2000. Q drive storage capacity variations are 16, 32, 64 and 128 MB with list prices starting at USD\$69.95.

*A device installation disk is provided in the Q drive package.